

# **Exhibit F**

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**From:** Aaron Esty <aesty@everytown.org>  
**Sent:** Tuesday, April 23, 2019 6:41 PM  
**To:** Hibbard, Douglas (OIP)  
**Cc:** McMullen, David; Shaknes, Alexander; Hussain, Murad S.; Alla Lefkowitz  
**Subject:** Re: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

**External E-mail**

Doug-

Thanks for getting back to us about these searches.

We agree that these three of the four categories of records you listed should be eliminated from review:

- *Attorney General News Briefings (these are a daily compilation of news articles distributed for informational purposes; they do not contain any Department commentary on the articles themselves)*
- *Emails forwarding specific news articles that do not otherwise comment on the article itself*
- *Emails forwarding press releases that are themselves already available on the Department's website*

However, we are still interesting in receiving this category of records:

- *Administrative emails setting up the time/place/logistics for meetings that do not otherwise discuss the content of the meeting itself*

We look forward to eliminating any other unnecessary categories of records from review to cut down on the documents located through the searches.

Thanks,  
Aaron

On Tue, Apr 23, 2019 at 8:44 AM Hibbard, Douglas (OIP) <[Douglas.Hibbard@usdoj.gov](mailto:Douglas.Hibbard@usdoj.gov)> wrote:

Dave,

We have completed the email searches for both requests. At this time, we need to review the search results to identify the responsive material and then process that material for disclosure. In brief, the email search in 18-004190 located approximately 5,000 documents whereas the search in 18-004204 located approximately 60,000 documents.

Typically, our emails searches will locate certain categories of records that may not be of interest to you. To the extent you are not interested in any of the below categories of records, it would facilitate our review by eliminating records that are not of interest to you. Such categories include:

- Attorney General News Briefings (these are a daily compilation of news articles distributed for informational purposes; they do not contain any Department commentary on the articles themselves)
- Emails forwarding specific news articles that do not otherwise comment on the article itself
- Administrative emails setting up the time/place/logistics for meetings that do not otherwise discuss the content of the meeting itself
- Emails forwarding press releases that are themselves already available on the Department's website

As we continue to review the material, we may locate additional categories of records that may not be of interest to you. As we identify such categories, we will contact you anew to confirm your interest or lack thereof in such material. The above four categories are types of records we typically locate in our email records searches that are generally not of interest to requesters. Should any of these categories not be of interest to you, we can eliminate them from the scope of our review. You can indicate so in response to this email.

Doug Hibbard

Chief, Initial Request Staff

Office of Information Policy

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**From:** McMullen, David <[David.McMullen@arnoldporter.com](mailto:David.McMullen@arnoldporter.com)>  
**Sent:** Monday, April 22, 2019 9:10 PM  
**To:** Hibbard, Douglas (OIP) <[dhibbard@jmd.usdoj.gov](mailto:dhibbard@jmd.usdoj.gov)>  
**Cc:** Shaknes, Alexander <[Alex.Shaknes@arnoldporter.com](mailto:Alex.Shaknes@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Aaron Esty <[aesty@everytown.org](mailto:aesty@everytown.org)>  
**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Good evening Doug,

Further to your correspondence below, can you please provide us with an update this week regarding what progress has been made on our client's Requests and when we can expect an updated production schedule? We appreciate your assistance with this matter.

Best,

Dave

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**From:** Hibbard, Douglas (OIP) <[Douglas.Hibbard@usdoj.gov](mailto:Douglas.Hibbard@usdoj.gov)>

**Sent:** Thursday, March 28, 2019 9:05 AM

**To:** McMullen, David <[David.McMullen@arnoldporter.com](mailto:David.McMullen@arnoldporter.com)>

**Cc:** Shaknes, Alexander <[Alex.Shaknes@arnoldporter.com](mailto:Alex.Shaknes@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>;

Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Aaron Esty <[aesty@everytown.org](mailto:aesty@everytown.org)>

**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Mr. McMullen,

Today, I have initiated revised ediscovery searches for both DOJ-2018-004190 (AG) et al. and DOJ-2018-004204 (AG) et al. as detailed in your letter of February 8, 2019. I have asked that both of these searches been prioritized to ensure they are completed as soon as possible. At this time, given that the search for DOJ-2018-004190 (AG) et al. involves fewer custodians than DOJ-2018-004204 (AG) et al., I anticipate that we will have those search results back first. Once we have the search results and conduct a preliminary review of the located records, we will be able to provide a more accurate production schedule.

Thank you for your assistance in this matter.

Doug Hibbard

Chief, Initial Request Staff

Office of Information Policy

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**From:** McMullen, David <[David.McMullen@arnoldporter.com](mailto:David.McMullen@arnoldporter.com)>

**Sent:** Wednesday, March 27, 2019 10:14 PM

**To:** Hibbard, Douglas (OIP) <[dhibbard@jmd.usdoj.gov](mailto:dhibbard@jmd.usdoj.gov)>  
**Cc:** Shaknes, Alexander <[Alex.Shaknes@arnoldporter.com](mailto:Alex.Shaknes@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Aaron Esty <[aesty@everytown.org](mailto:aesty@everytown.org)>  
**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Good evening Doug,

Thank you for the correspondence below. Provided that the agency can meet a reasonable production schedule, we agree to move forward with the searches on our listed custodians, and agree that searches on additional custodians would constitute a new FOIA request (while reserving all other rights). Can you please provide an estimate of when we can start receiving documents if we go this route? One of our concerns remains that it has already been almost a year since the original request was made.

Thanks and best,

Dave

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**From:** Hibbard, Douglas (OIP) <[Douglas.Hibbard@usdoj.gov](mailto:Douglas.Hibbard@usdoj.gov)>  
**Sent:** Friday, March 22, 2019 9:33 AM  
**To:** McMullen, David <[David.McMullen@arnoldporter.com](mailto:David.McMullen@arnoldporter.com)>  
**Cc:** Shaknes, Alexander <[Alex.Shaknes@arnoldporter.com](mailto:Alex.Shaknes@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Aaron Esty <[aesty@everytown.org](mailto:aesty@everytown.org)>  
**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

To address the inquiries within your February 8, 2019 letter:

- The administrative steps required by our ediscovery searches varies based on the search custodians involved. In brief, before an individual custodian can be searched, their records must first be indexed by the program. For certain custodians, such as former Attorneys General or Chiefs of Staff who are “frequent fliers” (meaning we search their records frequently), their records have already been indexed. That said, for any current Department officials, we would need to re-index their emails for each new search (assuming the request is seeking records up to the present) as they are potentially creating new records daily. Often times, our ediscovery search involves a combination of both of these scenarios – both pre-indexed “frequent fliers” and current officials whose records require indexing. Your request, as currently construed, is an example of this. To be clear, should we agree to limit your request to the custodians listed in your February 8, 2019 letter, your request would still be a mixture of these two scenarios, though to a much lesser extent than it is currently.
- I fully understand the difficulty in identifying custodians “in the blind” and recognize that, as the number of custodians is narrowed, the possibility that potentially response records are not located increases. Should you agree to limit your requests as proposed in your February 8, 2019 letter and, upon receipt of our final response find it inadequate, we can certainly conduct further searches of additional records custodians. That said, and to be clear, such a second records search would constitute a second FOIA request which would be processed based on date it was submitted to this Office and not based on the date of these original requests. Put differently, we cannot agree to narrow the search and then, upon providing our final response to you, then broaden if the response did not satisfy you. Such an agreement could open us up to a repeating cycle of processing a never-ending request with each final response bringing forth new search inquiries on the same matter.

The decision on how we proceed with these requests is entirely yours to make. We can either continue our searches as currently construed (and we will continue to do so until we hear otherwise from you), or we can limit the requests as detailed in your February 8, 2019 letter. Both options are viable on our end. But I want to be clear that any agreement to narrow the search custodians cannot be broadened at a later date as such a request would constitute a new FOIA request.

I hope this clarifies the matter for you so that you can make your decision. As stated above, we will continue to process your requests as originally submitted until we hear otherwise.

Doug Hibbard

Chief, Initial Request Staff

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**From:** McMullen, David <[David.McMullen@arnoldporter.com](mailto:David.McMullen@arnoldporter.com)>

**Sent:** Thursday, March 21, 2019 12:19 PM

**To:** Hibbard, Douglas (OIP) <[dhibbard@jmd.usdoj.gov](mailto:dhibbard@jmd.usdoj.gov)>

**Cc:** Shaknes, Alexander <[Alex.Shaknes@arnoldporter.com](mailto:Alex.Shaknes@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Aaron Esty <[aesty@everytown.org](mailto:aesty@everytown.org)>

**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Doug,

Thanks for the below. Can you please advise when we can expect a substantive response to the proposals in our letter?

Best,

Dave

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David McMullen, PhD

Associate

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**From:** Hibbard, Douglas (OIP) [<mailto:Douglas.Hibbard@usdoj.gov>]  
**Sent:** Thursday, March 21, 2019 7:42 AM  
**To:** McMullen, David  
**Cc:** Shaknes, Alexander; Hussain, Murad S.  
**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Mr. McMullen,

I apologize for the delay. We are in receipt of your correspondence on February 8, 2019.

Doug Hibbard

Chief, Initial Request Staff

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**From:** McMullen, David <[David.McMullen@arnoldporter.com](mailto:David.McMullen@arnoldporter.com)>  
**Sent:** Wednesday, March 20, 2019 4:51 PM  
**To:** Hibbard, Douglas (OIP) <[dhibbard@jmd.usdoj.gov](mailto:dhibbard@jmd.usdoj.gov)>

**Cc:** Shaknes, Alexander <[Alex.Shaknes@arnoldporter.com](mailto:Alex.Shaknes@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>

**Subject:** FW: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Dear Mr. Hibbard,

We'd very much appreciate it if you could please acknowledge receipt of correspondence below. We are reattaching our letter for your convenience.

Thanks and best,

Dave

---

David McMullen, PhD

Associate

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**From:** McMullen, David

**Sent:** Friday, February 08, 2019 4:43 PM

**To:** Hibbard, Douglas (OIP)

**Cc:** Alla Lefkowitz; Aaron Esty; Shaknes, Alexander; Hussain, Murad S.; foiamail

**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Dear Mr. Hibbard,

Please find attached our letter in response to the below. Thanks and have a nice weekend.

Best,

Dave

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David McMullen, PhD

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**From:** Hibbard, Douglas (OIP) [<mailto:Douglas.Hibbard@usdoj.gov>]

**Sent:** Monday, December 17, 2018 10:24 AM

**To:** McMullen, David

**Cc:** Alla Lefkowitz; Aaron Esty; Shaknes, Alexander; Hussain, Murad S.; foiamail

**Subject:** RE: Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Mr. McMullen,

This responds to your letter of December 14, 2018, seeking a revised processing schedule for your client's requests of April 16, 2018 (assigned tracking number DOJ-2018-004190 et al.) and April 17, 2018 (assigned tracking number DOJ-2018-004204 et al.).

As noted in your letter, and pursuant to my conversations with Mr. Aaron Etsy last month, the need to search for emails adds a significant amount of time to our processing schedule. The queue for our ediscovery (email) searches is extensive and is the one of the primary reasons why email searches require such additional time. The "software problem" affecting some of these searches has compounded this delay but is not the sole cause. In addition, and to clarify a point, our email searches are not conducted in the manner suggested in your letter. Our email searches are conducted using an ediscovery tool that allows us to search the email of both current and former Department officials without intruding into their workspace while having the added benefit of being able to initially process the records within an ediscovery environment, as opposed to in paper form.

Furthermore, while the search terms recommended in your letter could locate potentially responsive records, they are also so broad that they would certainly locate a large volume of records that are not responsive to either request. This is another benefit we see from conducting our searches within an ediscovery environment, as it allows us to conduct an initial search for records and then refine it further utilizing secondary search terms. Within an ediscovery environment, we can locate communications to or from the National Rifle Association with ease given the filters available to us. Alternatively, searching directly in Outlook for the term "NRA" would locate every email that mentions the NRA in any way while providing no viable way, outside of a document-by-document review, to locate communications with that organization.

From our experience, the biggest determining factor for how long ediscovery searches will take is the number of records custodians that need to be searched. As currently construed, insomuch as your client's requests are seeking records from the Offices of the Attorney General, Deputy Attorney General, Public Affairs, Legislative Affairs, and (for DOJ-2018-004204 et al. only) Legal Policy, they involve a large volume of records custodians insomuch as our search would encompass all of the officials within those offices within the timeframe of the requests. If your client would be interested in narrowing the list of email custodians, it could facilitate our ediscovery search. For example, we could limit the ediscovery search to just the component head and Chief of Staff of each office, which would significantly limit

to the number of search custodians. Requesters who have agreed to such a narrowing are generally placed in a faster “narrow” ediscovery search queue, where they achieve the benefit of an email search without having their search placed in our longest, slowest queue.

Should your client be interested in narrowing the number of email custodians to something closer to ten officials, we could place their requests in our “narrow” ediscovery search queue, and I could then provide a revised processing schedule. If your client is not interested in such a narrowing, then I must state that our processing schedule is as advised to Mr. Etsy in November.

Doug Hibbard

Chief, Initial Request Staff, and FOIA Public Liaison

Office of Information Policy

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**From:** McMullen, David <[David.McMullen@arnoldporter.com](mailto:David.McMullen@arnoldporter.com)>

**Sent:** Friday, December 14, 2018 4:37 PM

**To:** Hibbard, Douglas (OIP) <[dhibbard@jmd.usdoj.gov](mailto:dhibbard@jmd.usdoj.gov)>

**Cc:** Alla Lefkowitz <[alefkowitz@everytown.org](mailto:alefkowitz@everytown.org)>; Aaron Esty <[aesty@everytown.org](mailto:aesty@everytown.org)>; Shaknes, Alexander <[Alex.Shaknes@arnoldporter.com](mailto:Alex.Shaknes@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; foiamail <[foiamail@atf.gov](mailto:foiamail@atf.gov)>

**Subject:** Everytown for Gun Safety Fund FOIA requests of April 16-17, 2018

Dear Mr. Hibbard,

Please find attached a letter concerning Everytown for Gun Safety Fund’s FOIA requests of April 16-17, 2018.

Best,

Dave

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Associate

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